IN THE HIGH CORUT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1003 of 2005 (S/S)

Deep Ram Pindari
S/o Late Sri Tej Ram Pindari
R/o A-38, Nehru Nagar Colon
Dehradun, District Dehradun …….Petitioner

Versus

1. Union of India, through the Secretary
   Ministry of Communication Department of
   Telecommunication, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Telecom West
   Department of Telecommunication
   Shopping Complex-Dehradun.
3. General Manager, Telecom Division
   E-10 Exchange Patel Nagar, Dehradun.
4. Sub-Divisional Engineer, Telegraphs
   Department of Telecom, Raipur
   Dehradun. ……..Respondents.

Shri Anil Bisht, learned counsel for the petitioner
Learned Standing Counsel for the respondents.

Hon'ble Prafulla C. Pant, J

Learned counsel for the parties are present.

2. Heard.

3. By means of this petition, the petitioner, who was engaged as driver on daily wages with Bharat Sanchar Nigam Lted. has sought regularization of his services.

4. In the counter affidavit, it has been stated that the petitioner was engaged as casual labourer on daily wages.

5. In view of the principle of law laid down in ***Secretary, State of Karnataka Vs. Uma Devi, reported in (2006) 4***

Supreme Court Cases, Pg. o1, wherein it has been held that the workers on daily wages or the persons who get employed without undergoing regular selection process, should not be permitted to be absorbed or regularized against the constitution scheme of public employment, this Court is not inclined to issue direction to regularize services of the petitioners, as such, the petition is liable to be dismissed.

6. However, as to the relief relating to payment of arrears of enhanced wages, the petitioner is entitled to the same for the period he had worked after 01.01.1996.

7. The writ petition is dismissed for the relief of regularization in service. However, as to the payment of arrears of enhanced wages, the respondents shall pay the same, as per the letter dated 15.09.1998 (Annexuer-6 to the petition), issued by the Government of India, Department of Telecommunication, provided that the petitioner had worked for the period after 01.01.1996. With these observations, the writ petition stands disposed of. Interim order, if any, stands vacated. (All pending applications in this case also stand disposed of).

(Prafulla C. Pant, J.)

Dt. 21.11.2006
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